

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 13-2438 PA (MANx)	Date	April 15, 2013
Title	Solomon Upshaw, et al. v. WMB Construction, Inc., et al.		

Present: The Honorable	PERCY ANDERSON, UNITED STATES DISTRICT JUDGE
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Paul Songco

N/A

N/A

Deputy Clerk

Court Reporter

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None

None

Proceedings: IN CHAMBERS—ORDER TO SHOW CAUSE

Before the Court is a Complaint filed by plaintiff Solomon Upshaw (“Plaintiff”) on April 5, 2013. The Complaint alleges a claim for violation of 49 U.S.C. § 14501 for depriving Plaintiff’s tractor and trailer from a parking space in Avon, Massachusetts. The Complaint does not allege where Plaintiff resides or any other facts that support the Central District of California as being a convenient forum for this action. Plaintiff’s address appears to be in Cape Neddick, ME.

The Court orders Plaintiff to show cause, in writing not to exceed 15 pages, why this action should not be transferred to another forum for the convenience of the parties and witnesses, and in the interests of justice. See 28 U.S.C. §§ 124(a), 1404(a). All factual matters relied upon in the parties’ submissions must be supported by appropriate declarations and admissible evidence. To assist the Court in determining whether transfer is appropriate and in the interest of justice, the parties are directed to address the following, in addition to sharing their beliefs as to which forum is more convenient for the parties and witnesses:

1. In what district does Plaintiff reside and could this action have been brought in that district;
2. Whether venue is appropriate in a venue other than the Central District of California (“Central District”);
3. What contacts, if any, each of the parties has to the Central District, the district in which Plaintiff resides, and any other appropriate venue;
4. What connection Plaintiff’s causes of action have to the Central District, the district in which Plaintiff resides, and any other appropriate venue;
5. Which witnesses are expected to be called and where they reside;
6. The availability of compulsory process to compel attendance of unwilling non-party witnesses in the Central District as compared to the district in which Plaintiff resides, and

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- any other appropriate venue;
7. The ease of access to sources of proof in each of the three forums; and
 8. The expected difference in the cost of litigation in the Central District as compared to the district in which Plaintiff resides or any other appropriate venue; and

Plaintiff is ordered to serve a copy of this Order, along with the Complaint and Summons, on Defendants. Plaintiff shall file his response no later than April 26, 2013. Failure to timely respond to this order to show cause may result in the imposition of sanctions.

IT IS SO ORDERED.